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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 0118

UNCLAS BUENOS AIRES 2674

H PASS: HONORABLE JACOB K. JAVITS
UNITED STATES SENATE
WASHINGTON DC

E.O. 12065 N/A
TAGS SHUM, AR
SUBJECT DETENTION OF JAIME LOKMAN (90-78-11)

REF: BUENOS AIRES 0432

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
() Release (X) Excise () Deny
Exemption(s): B3NA
Declassify: () In Part () In Full
() Classify as () Extend as () Downgrade to
Date _____ Declassify on _____ Reason _____

1. DEAR SENATOR JAVITS:

2. THERE HAVE BEEN SEVERAL RECENT DEVELOPMENTS
REGARDING THE DETENTION OF MR. JAIME LOKMAN. YOU
INQUIRED REGARDING THIS CASE ON AUGUST 11, 1978.

B3NA

ON JANUARY 24, 1979, THE ARGENTINE GOVERNMENT
DENIED MR LOKMAN'S PETITION TO EXERCISE THE
CONSTITUTIONAL RIGHT OF OPTION TO LEAVE THE COUNTRY.
THE ISRAELI GOVERNMENT ALSO HAS ACCEPTED MR. LOKMAN FOR
IMMIGRATION. ACCORDING TO THE GOVERNMENTS PRESENT
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REGULATIONS A NEW PETITION FOR MR. LOKMAN TO LEAVE
ARGENTINE UNDER THE RIGHT OF OPTION MAY NOT BE

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CONSIDERED UNTIL SIX MONTHS HAVE ELAPSED FROM THE PREVIOUS DENIAL.

3. ON MARCH 29, 1979 THE FEDERAL COURT OF CRIMINAL APPEALS IN CORDOBA REJECTED FOUR COMPLAINTS RAISED ON BEHALF OF MR LOKMAN IN A HABEAS CORPUS PETITION. THE COURT HELD THAT MR. LOKMAN'S COMPLAINT REGARDING BEING HELD INCOMMUNICADO FROM MARCH 24, 1976 THROUGH MID-DECEMBER 1978 WAS NOT JUSTIFIABLE AS HE HAD RECENTLY BEEN TRANSFERRED TO A NEW PENAL FACILITY WHICH GRANTED VISITING PRIVILEGES. SIMILARLY, THE CORDOBA APPEALS COURT HELD THAT MR LOKMANS COMPLAINT THAT THE GOVERNMENT HAD FAILED TO ACT WITHIN THE TIME LIMITS SET OUT IN LAW 21650 ON HIS PETITION TO EXERCISE THE RIGHT OF OPTION TO LEAVE ARGENTINA WAS MOOT AS THE EXECUTIVE HAD IN FACT RESPONDED NEGATIVELY, ALBEIT AFTER THE STATUTORY TIME PERIOD, TO MR LOKMANS PETITION. MR. LOKMAN'S COMPLAINT REGARDING HIS TRANSFER FROM CORDOBA TO THE FEDERAL PRISON AT SIERRA CHICA WAS ALSO DENIED, AS THE COUVT FOUND THAT THE EXECUTIVE WAS ACTING WITHIN ITS STATE OF SIEGE POWERS IN TRANSFERRING MR. LOKMAN TO ANOTHER PRISON WITHIN THE COUNTRY.

4. MOST IMPORTANTLY THE FEDERAL CRIMINAL APPEALS COURT DENIED THAT MR. LOKMAN'S EXECUTIVE DETENTION WAS UNREASONABLE DUE TO THE ALLEGED VAGUE AND IMPRESICSE CHARGES IN THE DECREE AGAINST HIM. THE COURT ARGUING ON A STRICT SEPARATION OF POWERS
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DOCTRINE FOUND THAT THE EXECUTIVE'S ALLEGATION THAT MR. LOKMAN HAD "LINKS WTH SUBVERSION" WAS A REASONALBE BASIS FOR HIS CONTINUED EXECUTIVE DETENTION. THE COURT NOTED THAT NOT ALL CASES INVOLVING LINKS WITH SUBVERSION COULD BE PROVED AS CRIMES, IN THE CONVINCING FORM THAT THE JUDICIAL PROCESS REQUIRES, BUT PERSONS NEVERTHELESS COULD BE HELD BY THE EXECUTIVE BECAUSE OF THEIR DANGEROUSNESS ON THE BASIS OF THE CONSTITUTION SATATE OF SIEGE PROVISION.

5. MRS. LOKMAN CALLED ON THE EMBASSY ON APRIL

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3 TO INFORM US THAT SHE WAS PLANNING TO APPEAL
THE COURT'S DECISION TO THE ARGENTINE
SUPREME COURT.

6. WE WILL CONTINUE TO KEEP YOU INFORMED REGARDING
FURTHER DEVELOPMENTS IN THIS CASE.

7. SINCERELY YOURS, RAUL CASTRO, AMBASSADOR.
CASTRO

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